

Basic information	
2013/2239(DEC) DEC - Discharge procedure	Procedure completed
2012 discharge: European Securities and Markets Authority (ESMA) Subject 8.70.03.07 Previous discharges	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	CONT Budgetary Control		SARVAMAA Petri (PPE)	10/10/2013
			Shadow rapporteur KADENBACH Karin (S&D) GERBRANDY Gerben-Jan (ALDE) STAES Bart (Verts/ALE) ANDREASEN Marta (ECR) DE JONG Dennis (GUE /NGL) VANHECKE Frank (EFD) EHRENHAUSER Martin (NI)	
	Committee for opinion		Rapporteur for opinion	Appointed
	ECON Economic and Monetary Affairs		SÁNCHEZ PRESEDO Antolín (S&D)	08/10/2013
European Commission	Commission DG		Commissioner	
	Budget		ŠEMETA Algirdas	

Key events			
Date	Event	Reference	Summary
26/07/2013	Non-legislative basic document published	COM(2013)0570 	Summary

22/10/2013	Committee referral announced in Parliament		
17/03/2014	Vote in committee		
21/03/2014	Committee report tabled for plenary	A7-0231/2014	Summary
02/04/2014	Debate in Parliament		
03/04/2014	Decision by Parliament	T7-0321/2014	Summary
03/04/2014	Results of vote in Parliament		
03/04/2014	End of procedure in Parliament		
05/09/2014	Final act published in Official Journal		

Technical information	
Procedure reference	2013/2239(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/14219

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE521.675	23/01/2014	
Committee opinion	ECON	PE524.720	21/02/2014	
Amendments tabled in committee		PE521.802	25/02/2014	
Committee report tabled for plenary, single reading		A7-0231/2014	21/03/2014	Summary
Text adopted by Parliament, single reading		T7-0321/2014	03/04/2014	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Document attached to the procedure	05849/2014	05/02/2014	Summary	
European Commission				
Document type	Reference	Date	Summary	
Non-legislative basic document	COM(2013)0570 	26/07/2013	Summary	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act
Budget 2014/0601 OJ L 266 05.09.2014, p. 0262 Summary

2012 discharge: European Securities and Markets Authority (ESMA)

2013/2239(DEC) - 26/07/2013 - Non-legislative basic document

PURPOSE: presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2012, as part of the 2012 discharge procedure.

Analysis of the accounts of the **European Securities and Markets Authority (ESMA)**.

CONTENT: this Commission document sets out the consolidated annual accounts of the European Union for the financial year 2012 as prepared on the basis of the information presented by the institutions, organisations and bodies of the EU, in accordance with Article 129 (2) of the Financial Regulation applicable to the EU's General Budget, including the European Securities and Markets Authority (ESMA).

In 2012, the tasks and budget of this agency were as follows:

- **description of ESMA's tasks:** ESMA, which is located in Frankfurt, was set up by [Regulation \(EU\) No 1095/2010 of the European Parliament and of the Council](#) with a view to protecting the public interest by contributing to the short, medium and long-term stability and efficiency of the financial system for the economy of the European Union, its citizens and its companies;
- **ESMA's budget for the 2012 financial year:** ESMA's budget for 2012, as presented in the Commission document on the consolidated annual accounts of the European Union, gives the following figures:

§ **Commitment appropriations :**

- **committed** : EUR 20 million;
- **paid** : EUR 17 million;
- **carried-over** : 0.

§ **Payment appropriations :**

- **committed** : EUR 22 million;
- **paid** : EUR 15 million;
- **carried-over** : EUR 4 million.

Please refer also to the [final accounts of the Securities and Market Authority](#)

2012 discharge: European Securities and Markets Authority (ESMA)

2013/2239(DEC) - 05/02/2014

Having examined the revenue and expenditure accounts for the financial year 2012 and the balance sheet at 31 December 2012 of the European Securities and Markets Authority (ESMA), as well as the Court of Auditors' report on the annual accounts of the Authority for the financial year 2012, accompanied by the Authority's replies to the Court's observations, the Council recommends the European Parliament to give a discharge to the Executive Director of the Authority in respect of the implementation of the budget for the financial year 2012.

The observations in the Court of Auditors' report in relation to the financial year 2012 call for some comments by the Council, which may be summarised as follows:

- in general, the Council welcomes the Court's opinion that, in all material respects, the Authority's annual accounts present fairly its financial position as at 31 December 2012 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions

of the Authority's Financial Regulation and the accounting rules adopted by the Commission's accounting officer, and that the underlying transactions for that financial year are legal and regular.

- **Carry-overs:** the Council urges the Authority to improve its budget planning and financial management and to launch projects and procurement procedures in good time before the end of the budgetary year, in order to avoid the cancellation of unused appropriations at year end and to limit carry-overs of appropriations to the following year to the minimum necessary, in line with the budgetary principle of annuality.
- **Controls:** the Council calls on the Authority to fully implement its internal control standards and to enhance the timeliness and documentation of its procurement procedures. The Council invites the Authority to finalise the validation of its accounting systems without delay.
- **Recruitment:** lastly, the Council asks the Authority to address the weaknesses identified in its recruitment procedures in order to enhance transparency and equal treatment.

2012 discharge: European Securities and Markets Authority (ESMA)

2013/2239(DEC) - 21/03/2014 - Committee report tabled for plenary, single reading

The Committee on Budgetary Control adopted the report by Petri SARVAMAA (EPP, FI) in which it recommended the European Parliament to grant discharge to the Executive Director of the European Securities and Markets Authority (ESMA) in respect of the implementation of the Authority's budget for the financial year 2012.

Noting that the Court of Auditors stated that it has obtained reasonable assurances that the annual accounts of the Authority for the financial year 2012 are reliable, and that the underlying transactions are legal and regular, Members approved the closure of the Authority's accounts. They made, however, a number of recommendations that needed to be taken into account when the discharge is granted, in addition to the general recommendations that appear in the [draft resolution on performance, financial management and control of EU agencies](#).

- **Budget and financial management:** Members noted that budget monitoring efforts during the financial year 2012 resulted in a budget implementation rate of 86.12% and that the payment appropriations execution rate was 65.22%.
- **Carryovers:** Members regretted that according to the Court of Auditors' annual audit, EUR 2.8 million (14%) of total appropriations were cancelled and EUR 4.2 million (21%) were carried over to 2013; this was mainly caused by the fact that a significant contract for works on the Authority's premises was awarded in December 2012 (EUR 600 000).

Members also made a series of observations on transfers, procurement and recruitment procedures as well as comments on internal controls.

Lastly, they acknowledged that following the [Court of Auditors' Special Report No 15/2012](#), the Authority revised its ethics guidelines on the basis of the Commission's Guidelines on the Prevention and Management of Conflicts of Interests in EU Decentralised Agencies. They welcomed them and the fact that they were considered as best practices.

2012 discharge: European Securities and Markets Authority (ESMA)

2013/2239(DEC) - 03/04/2014 - Final act

PURPOSE: to grant discharge to the European Securities and Markets Authority (ESMA) for the financial year 2012.

NON-LEGISLATIVE ACT: Decision 2014/587/EU of the European Parliament on discharge in respect of the implementation of the budget of the European Securities and Markets Authority for the financial year 2012.

CONTENT: with the present decision, the European Parliament grants discharge to the Executive Director of the European Securities and Markets Authority in respect of its budget for the financial year 2012.

This decision is in line with the European Parliament's resolution adopted on 3 April 2014 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 3 April 2014).

Amongst the main observations made, Parliament regretted the difficulties brought to light by the Court of Auditors as regards **public procurement** and called on the Authority to improve the situation.

2012 discharge: European Securities and Markets Authority (ESMA)

2013/2239(DEC) - 03/04/2014 - Text adopted by Parliament, single reading

The European Parliament adopted a decision concerning the discharge to be granted to the Executive Director of the European Securities and Markets Authority (ESMA) in respect of the implementation of the Authority's budget for the financial year 2012. The vote on the discharge decision approved the closure of the accounts (in accordance with Annex VI, Article 5(1) of the Rules of Procedure of the European Parliament).

Noting that the Court of Auditors stated that it has obtained reasonable assurances that the annual accounts of the Authority for the financial year 2012 are reliable, and that the underlying transactions are legal and regular, Parliament adopted by 491 votes to 70, with 23 abstentions, a resolution containing a series of recommendations that form an integral part of the discharge decision and as well as the general recommendations that appear in the [draft resolution on performance, financial management and control of EU agencies](#).

These recommendations are summarised as follows:

- **Budget and financial management:** Parliament noted that budget monitoring efforts during the financial year 2012 resulted in a budget implementation rate of 86.12% and that the payment appropriations execution rate was 65.22%.
- **Carryovers:** Parliament regretted that according to the Court of Auditors' annual audit, EUR 2.8 million (14%) of total appropriations were cancelled and EUR 4.2 million (21%) were carried over to 2013; this was mainly caused by the fact that a significant contract for works on the Authority's premises was awarded in December 2012 (EUR 600 000).
- **Performance:** Parliament requested that the Authority communicate the results and impact its work has on European citizens in an accessible way, mainly through its website.

It also made a series of observations on transfers, procurement and recruitment procedures as well as comments on internal controls.

Lastly, Parliament acknowledged that following the [Court of Auditors' Special Report No 15/2012](#), the Authority revised its ethics guidelines on the basis of the Commission's Guidelines on the Prevention and Management of Conflicts of Interests in EU Decentralised Agencies. It welcomed them and the fact that they were considered as best practices.